

REMARKS/ARGUMENTS

In an Office Action dated 30 September 2004, the Examiner rejected Claims 1 – 28 under 35 U.S.C. § 112, second paragraph. In addition, the Examiner rejected Claims 1 – 28 under 35 U.S.C. § 102(b) as being anticipated by Atkinson (6,236,938). Claims 1 – 28 are pending in the application.

Applicant has carefully reviewed the Examiner's rejections as well as the claims as initially filed and correspondingly the Applicant provides the following remarks regarding same.

Claim Rejections – 35 USC §112

Claims 10 – 18 were rejected under 35 USC 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps (MPEP §2172.01). This rejection is respectfully traversed. With respect to this rejection, the Examiner notes:

The second and third steps on lines 5-7 recite means and not a procedural step. A "means" is an element in an apparatus, and not a verb form, which describes a step in a procedure. Appropriate correction and clarification are required.

The Applicant has amended claim 10 to correct and clarify that the second and third steps are procedural steps. It is now believed that Claim 10 is allowable. Claims 11 – 18 depend upon allowable amended Claim 10 and include all its limitations; therefore they are also believed to be allowable.

Claim Rejections – 35 USC §102

Claims 1 – 28 were rejected under 35 USC 102 as being anticipated by Atkinson (US Patent No. 6,236,938). This rejection is respectfully traversed. With respect to this rejection, the Examiner notes:

Atkinson discloses a system and method for creating maps using GPS systems. On lines 42-51 in column 4, Atkinson teaches a method and system whereby a user moves from position to position and makes measurements from his location to local objects. He states "Referring now to FIG. 1, a street 2 is shown having a plurality of utility poles 4 positioned along street 2. In accordance with one embodiment of the present

Serial No. 09/733,121**Response to Office Action mailed 30 Sep 2004****Page 9 of 11**

304382v1

invention, a person riding in a car 6 can take location measurements of utility poles 4 as the person drives along street 2. As discussed briefly above, the method involved in taking the location measurements of the utility poles 4 including taking two GPS location measurements at two different locations and then using a range finder to determine a distance that the unknown position is from a second measured position." This information is stored and converted into a map, as Atkinson discusses on lines 21-25 where he states "After obtaining the location values or coordinates and information for the objects 4 (FIG. 1) being measured, the stored values and information can be converted into a map. The map building process is well known in the art, and thus, will not be described herein." Atkinson teaches the use of these techniques to create maps of buildings in claim 6 where he states "The method as recited in claim 5, wherein said objects comprise at least one object from the group of objects comprising utility poles, utility boxes, water meters, houses and commercial buildings."

Applicant respectfully disagrees with the Examiner's conclusions. Specifically, Atkinson teaches a system and a method for calculating a location of an object. (col. 11, lines 29 – 32) It does not teach or even hint at providing a map of an interior of a building and a user's position relative to the interior of the building. Atkinson does not teach anything regarding providing a cumulative map for the extent of each room in which the user is located and said user's position relative to said room to produce a map of an interior of the building. As recited in the Applicant's specification (Detailed Description section):

The software 119 can write the data received from the transducer system 111 in memory 120, process this data in conjunction with the output data from the inertial guidance system 112 to generate a map of the user's path through the building and/or transmit this data to a centrally located command module 103, via a communications unit 113, for storage in memory 130 so that multiple tracker modules 101, 102 can simultaneously be tracked and a mapping of the building effected by the command module 103 from different perspectives to thereby create an accurate composite layout map of the building. (page 4, line 25 – page 5, line 2; underlining added for emphasis)


In an effort to clarify this distinction, Applicant has amended Claims 1 – 28 to include this limitation that the user's position relative to the interior of the building is also provided by the system and method. Thus, it is believed that amended independent

Claims 1, 10, and 19 are allowable over Atkinson, and that claims 2 – 9, 11 – 18, and 20 – 28 are also allowable because they include all the limitations of their respective allowable amended independent claims. Therefore it is believed that Claims 1 – 28 are allowable under 35 U.S.C. § 102(b). If the Examiner maintains this rejection, it is respectfully requested that the relevant portion of the disclosures be pointed out.

Applicants respectfully request a Notice Of Allowance in this application in light of the amendments and arguments set forth herein. The undersigned attorney requests Examiner Paladini to telephone if a conversation could expedite the prosecution of this application. It is believed no fee is due. However, Applicants authorize the Commissioner to charge any required payment of fees to Deposit Account #50-1848.

Respectfully submitted,
PATTON BOGGS LLP

Dated: 16 Dec 2004

By: 
Varen C. Belair, Reg. No. 49,056
Tel: 214-758-6631
Fax: 214-758-1550

Customer No. 24283

Serial No. 09/733,121

Page 11 of 11

304282v1

Response to Office Action mailed 30 Sep 2004